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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

SONYA ADAMS, JONATHAN
ABUAN, KAMERON ACERET,
KANANI ADAMS, JASON AGLIAM,
TIANA AHUE, LANCE AIMOTO,
DAREN AJIFU, ANDREW AKANA,
JEAN-THIERRY ALEMAN,
MANAHEL AL-HOZAIL, TERESA
ALLEN, ANTHONY ALTOMARE,
JENNIFER ALTOMARE, KEN T.
ANAMA, LINDSEY ANDREWS,
CHANTE MARIE ANGUAY,
KENNETH ARAI, JOHN ARAKAWA,
KURRY ARAKI, KYLE ARNBERGER,
JOSEPH AU, FRANCIS S.
AURELLANO, DANIEL BACHMAN,
GABRIEL BADUA, CRISTINA
BAGLIO, JOHNNY BRANDT BAIZE,
EDWIN V. BARAYUGA, PAUL Z.
BARRAZA, AMADOR JONAH E.
BARRIOS, WILLIAM B. BATALON,
KANISHA BELLO, ALEX BERARDO,
LINDA BILLINS, MATTHEW BISE,
ANDREW H. BOND, MICHAEL E.
BOWDERN, JUSTIN BRAID, KEAVY
BRENNAN, EDWARD CABALLERO,

CIVIL NO. 12-00667-BMK

(Other Civil Action -FLSA)

THIRD AMENDED
COMPLAINT; RENEWED JURY
DEMAND; EXHIBITS 1-317;
SUMMONS

CYRUS CAMP, FLOYD J.
CASTELLANO, ASHLEY
CAZIMERO, SHIRLEY ANN
CAZINHA, MARLON R. CEZAR,
MICHAEL CHAN, ERIC CHIAVETTA,
JEFFREY CHING, DIANA P. CHUN,
JOLENE CHUN, FRANCES CHUNG,
CHRISTOPHER COLOMA, ROMEL
CORONEL, EMMA CRISTINA A.
CORPUZ, JENNIFER H. COSTA,
CHRISTINA ERIN COULSON,
SARAH COVELL, JADE DAWSON,
DANIEL DEANDA, SHAWNA DELOS
SANTOS, DANIELLE-JORDAN K.S.
DEMELLO, KELLY DESHA, DARCEL
DIZON, DEO AMOR DOMINGO,
JOSEPH M. DOMINGO, JR.,
MATTHEW DOMINGO,
CHRISTOPHER DRAZIC, JOSEPH
DUHAYLONSOD, ADELE
DULDULAO, NEAL CARLO
FAJARDO, KENNETH FARIA,
SUNNY FITZGERALD, WILLIE
FONG, DEVIN FONTANILLA, NIKO
FONTANILLA, RAYMOND FRANCO,
TIMOTHY FREDRICKSON,
SHANNON M. FUCHIGAMI, MARIO
FUENTES, REECE FUJIKAWA,
HOWARD FUJIMOTO, EDWARD
FUJIOKA, JANSEN FUKUDA, DANE
FURUTANI, JULIA K. C. GABAYLO,
JENNA MARIE GANDY, ANGELA
GARCIA, KEOPELE GOWAN,
LAURIE A.O. GRACE, JANE L.
GREENWOOD, FRANKLIN
GREGORIO, DONALD GREY,
NORMAN T.K. HAHN, TREVOR

HALVERSON, BRIAN HARRISON,
JAMES HARUGUCHI, ASHLEY
HASHIMOTO, KAIPPO HAYASHIDA,
ROBERT HAYSLIP, NATASHA HEE,
JEANEEN HELDT, WESLEY HELM,
RUDDY HERNANDEZ, KELSEY
HIGA, KIMBERLY HIGA, NICHOLAS
YOSHIO HIGA, TROY HIGUCHI,
MIKE HIRATA, CATHERINE M. HO,
JACOB HO, KITMING HO,
JONATHAN HONG, JEFFREY R.
HUGHES, THOMAS SIMMS
HUGHES, MALEK HURD, GUSTAVO
HWUNAN, BRANDEN M. IGE, JEFF
JACOBSON, TONYA C. JOHNSON,
DAGAN JOHNSTON, PATRICIA
JONES, FELIMON JULIANO, JR.,
WAIPUNALANI H. KAHALEPUNA,
LANE KAHANA AOI-NICHOLS,
HENRY P. KAHULA, IV, JUDY
KAKAZU, RYAN KALUA,
MITCHELL K.C. KAM, JR.,
BREXSON KAMANO, DENISE
KAMEDA, JOHN KANAULU, JR.,
BRANDEN E. KANESHIRO, JASON S.
KANESHIRO, TED KANESHIRO,
JILLIAN KELEKOMA, TRAVIS
KERWIN, KELLY C. KIHE, YU SUNG
KIM, YVONNE KINERNEY-AUSTIN,
RICH KING, MATTHEW
KINOSHITA, SCOTT E. KIRLEY,
DOREEN KITAGAWA, ARLENE
KOH, ERICKSEN KOHATSU,
BENNETT KOJIMA, ANDY
KUMAMOTO, LAURA KUMAMOTO,
JEFFREY L. KURASHIMA, ALVIN
KURIHARA, JON KUROSU, JON

KUSANO, JOHNELL LADERA,
MAILE LAMBETH, MATTHEW
LAMKE, ZAKARIAH K. LANI
YOUNG, MARIE LAPLACA, BRETT
R. LARONDE, CHAD LAU, KARLY
LAU, LAUREN LAU, BELINDA C.W.
LEE, CHRISTOPHER ROBIN LEE,
DOMINIQUE LEE, JONATHAN J.
LEE, STEVEN LEE, LEE L.
LENCHANKO, HOPE ANN
YOUNGBLOOD LEWIS, WAILUA
LIND, TRACIE K.Y. LOCK, JASON P.
LOPEZ, CRISTA LOVE, CHRISTINE
LUAN, JUAN M.R. LUJAN, ERIC
LUM, PAMELA LUM, JOHN LYDEN,
CHRISTOPHER MANSITO, GEORGE
K. MANUEL, MATEO FRANCISCO
MARIANO, JARETT MARTIN,
ANGELA MARUMOTO, ANGELA
MASUDA, TED MASUDA, ALLYN
MATSUDA, JUSTIN MATSUDA,
JUSTIN MATSUDO, KRYSTL
MATSUNAGA, KILI MATSUSHIMA,
IAN S. MCCAULLEY, SARAH
MCDONALD, THERESA
MCGREGOR, MOLLY MCGUIRE,
SEAN MCGUIRE, MATTHEW
MCMULLIN, LUIS M. MELENDEZ,
RICHARD K. MENDONCA, SHALEI
MENESES, SHEREE MILLER,
KIMBERLY MIYASATO, MARK
MOCHIDA, ERIC MOENNICH,
SHARA MOLINA, SCOTT MONJI,
BERNARDO P. MOREIRA, MARC
MORIGUCHI, JASON MOSES, JOHN
E. MOSLANDER, DAVID MOWER,
CHAD MULLEITNER, GARY L.

MUNIZ, SHERRYANN MURPHY,
JACK NAGAISHI, JOY NAKAHARA,
CORY NAKAYAMA, KYLAN
NASCIMENTO, LANE T. NATORI,
CHRISTOPHER C. NICHOLS, CHRIS
H. NITTA, NATHAN NONAKA,
ADAM D. OGDEN, DERRICK
OKAMOTO, NED L. ONTAI, ROCHEL
ORTIZ, NICOLE OTA, RYAN
PAEKUKUI, STACEY PALEA, MARK
DOMINIC PALTING, ROBERT
PANTOCA, HUMBERTO PARODI,
CHRISTIAN PERKINS,
CHRISTOPHER K. PIDOT, JENNIE
PIGAO, DANIEL POMERANTZ,
KARESE POULOS, LINDSAY N.
PRITCHARD, GERALD H.
RABACAL, SUE RAUCH, JOEL
RAYMOND, JASON ROBINSON,
ANTHONY ROSSI, GRETCHEN
SAILER, WILLIAM FRANK SAINS,
JUSTIN SANTIAGO, KIMBERLY
SANTOS, DEAN R. SCHILD,
ALEXANDER C. SCHMALENSEE,
KA'OHUOKA'ALA SETO, BRENT
SHIMABUKURO, DARCY SHIMIZU,
MELINDA SHIRAKI, ESTEE
(OKAMURA) SHIZURU, ANTHONY
SIMPSON, BRENDAN SMITH, KEA
SMITH, NAOMI L. SMITH,
KALEOLANI SOUZA, BRYAN
STAUBITSER, MIKEN STAUBITSER,
KEVIN M. STINSON, JAKE STYNER,
SHINNOSUKE SUGA, AKOI
SUGIYAMA, CHESTER SUKEKANE,
ZACHARY L. SUNIGA, PAUL
TAGARIELLO, EUGENE

TAKAHASHI, JORDON
TAKAKURA-PUHA, DON TAKARA,
KRYSTLE TAKARA, LEIGHTON
TAKARA, BEN TAKEMURA, SHAUN
K. TAKESHITA, CHAS TAKETA,
CHADWICK TAM, DEVIN TAM,
JEFFREY H. TAMAYE, MARITES
TAMAYO, ALLAN TAMBIO, KELL
Y. TANABE, JR., JARED TANOUYE,
JACK TAUSEND, ISAAC TEJADA,
EDWARD K. THOMPSON, IV,
MICHAEL THOMPSON, RACHAEL
TOMAS-QUINSAAT, KAY TOMASA,
LANDON TOSHI, ANDREW K.
TREJO, DAWNE TSUHA, MATTHEW
TSUNEDA, ALISA A. TUI, K.A.
PUANANI TUULIMA, KEVIN K.
TWOMEY, RYAN UMENO, DANIEL
UNO, SHELDON UYETAKE, EPELI
VAKALALABURE, CHRISTIAN
VELASCO, LEE VIERRA, ERIC
WATANABE, JULIE WATANUKI,
JILLIAN WENDERLICH, BARRY
WILDERN, JEFFREY WILKINSON,
RODNEY WILLIAMS, RONALD M.
WOLF, II, GREGORY WONG, SHARI
WONG, RONALD N. YAMADA,
EVAN K. YAMAGISHI, SPENCER
YAMAMOTO, KAZUO YAMAUCHI,
DERRICK T.T. YONEZAWA, STACY
YOSHIKAWA, ALAN W.L. YOUNG,
JULIE M. YOUNG, EMILY L.
ZUCKERNICK and JANE DOES AND
JOHN DOES 1-250,

Plaintiffs,

v.

CITY AND COUNTY OF
HONOLULU,

Defendant.

THIRD AMENDED COMPLAINT

Plaintiffs SONYA ADAMS, JONATHAN ABUAN, KAMERON ACERET, KANANI ADAMS, JASON AGLIAM, TIANA AHUE, LANCE AIMOTO, DAREN AJIFU, ANDREW AKANA, JEAN-THIERRY ALEMAN, MANAHEL AL-HOZAIL, TERESA ALLEN, ANTHONY ALTOMARE, JENNIFER ALTOMARE, KEN T. ANAMA, LINDSEY ANDREWS, CHANTE MARIE ANGUAY, KENNETH ARAI, JOHN ARAKAWA, KURRY ARAKI, KYLE ARNBERGER, JOSEPH AU, FRANCIS S. AURELLANO, DANIEL BACHMAN, GABRIEL BADUA, CRISTINA BAGLIO, JOHNNY BRANDT BAIZE, EDWIN V. BARAYUGA, PAUL Z. BARRAZA, AMADOR JONAH E. BARRIOS, WILLIAM B. BATALON, KANISHA BELLO, ALEX BERARDO, LINDA BILLINS, MATTHEW BISE, ANDREW H. BOND, MICHAEL E. BOWDERN, JUSTIN BRAID, KEAVY BRENNAN, EDWARD CABALLERO, CYRUS CAMP, FLOYD J. CASTELLANO, ASHLEY CAZIMERO, SHIRLEY

ANN CAZINHA, MARLON R. CEZAR, MICHAEL CHAN, ERIC
CHIAVETTA, JEFFREY CHING, DIANA P. CHUN, JOLENE CHUN,
FRANCES CHUNG, CHRISTOPHER COLOMA, ROMEL CORONEL, EMMA
CRISTINA A. CORPUZ, JENNIFER H. COSTA, CHRISTINA ERIN
COULSON, SARAH COVELL, JADE DAWSON, DANIEL DEANDA,
SHAWNA DELOS SANTOS, DANIELLE-JORDAN K.S. DEMELLO, KELLY
DESHA, DARCEL DIZON, DEO AMOR DOMINGO, JOSEPH M. DOMINGO,
JR., MATTHEW DOMINGO, CHRISTOPHER DRAZIC, JOSEPH
DUHAYLONSOD, ADELE DULDULAO, NEAL CARLO FAJARDO,
KENNETH FARIA, SUNNY FITZGERALD, WILLIE FONG, DEVIN
FONTANILLA, NIKO FONTANILLA, RAYMOND FRANCO, TIMOTHY
FREDRICKSON, SHANNON M. FUCHIGAMI, MARIO FUENTES, REECE
FUJIKAWA, HOWARD FUJIMOTO, EDWARD FUJIOKA, JANSEN FUKUDA,
DANE FURUTANI, JULIA K. C. GABAYLO, JENNA MARIE GANDY,
ANGELA GARCIA, KEOPELE GOWAN, LAURIE A.O. GRACE, JANE L.
GREENWOOD, FRANKLIN GREGORIO, DONALD GREY, NORMAN T.K.
HAHN, TREVOR HALVERSON, BRIAN HARRISON, JAMES HARUGUCHI,
ASHLEY HASHIMOTO, KAIPO HAYASHIDA, ROBERT HAYSLIP,
NATASHA HEE, JEANEEN HELDT, WESLEY HELM, RUDDY

HERNANDEZ, KELSEY HIGA, KIMBERLY HIGA, NICHOLAS YOSHIO
HIGA, TROY HIGUCHI, MIKE HIRATA, CATHERINE M. HO, JACOB HO,
KITMING HO, JONATHAN HONG, JEFFREY R. HUGHES, THOMAS SIMMS
HUGHES, MALEK HURD, GUSTAVO HWUNAN, BRANDEN M. IGE, JEFF
JACOBSON, TONYA C. JOHNSON, DAGAN JOHNSTON, PATRICIA JONES,
FELIMON JULIANO, JR., WAIPUNALANI H. KAHALEPUNA, LANE
KAHANAOI-NICHOLS, HENRY P. KAHULA, IV, JUDY KAKAZU, RYAN
KALUA, MITCHELL K.C. KAM, JR., BREXSON KAMANO, DENISE
KAMEDA, JOHN KANAULU, JR., BRANDEN E. KANESHIRO, JASON S.
KANESHIRO, TED KANESHIRO, JILLIAN KELEKOMA, TRAVIS KERWIN,
KELLY C. KIHE, YU SUNG KIM, YVONNE KINERNEY-AUSTIN, RICH
KING, MATTHEW KINOSHITA, SCOTT E. KIRLEY, DOREEN KITAGAWA,
ARLENE KOH, ERICKSEN KOHATSU, BENNETT KOJIMA, ANDY
KUMAMOTO, LAURA KUMAMOTO, JEFFRY L. KURASHIMA, ALVIN
KURIHARA, JON KUROSU, JON KUSANO, JOHNELL LADERA, MAILE
LAMBETH, MATTHEW LAMKE, ZAKARIAH K. LANI YOUNG, MARIE
LAPLACA, BRETT R. LARONDE, CHAD LAU, KARLY LAU, LAUREN LAU,
BELINDA C.W. LEE, CHRISTOPHER ROBIN LEE, DOMINIQUE LEE,
JONATHAN J. LEE, STEVEN LEE, LEE L. LENCHANKO, HOPE ANN

YOUNGBLOOD LEWIS, WAILUA LIND, TRACIE K.Y. LOCK, JASON P. LOPEZ, CRISTA LOVE, CHRISTINE LUAN, JUAN M.R. LUJAN, ERIC LUM, PAMELA LUM, JOHN LYDEN, CHRISTOPHER MANSITO, GEORGE K. MANUEL, MATEO FRANCISCO MARIANO, JARETT MARTIN, ANGELA MARUMOTO, ANGELA MASUDA, TED MASUDA, ALLYN MATSUDA, JUSTIN MATSUDA, JUSTIN MATSUDO, KRYSTL MATSUNAGA, KILI MATSUSHIMA, IAN S. MCCAULLEY, SARAH MCDONALD, THERESA MCGREGOR, MOLLY MCGUIRE, SEAN MCGUIRE, MATTHEW MCMULLIN, LUIS M. MELENDEZ, RICHARD K. MENDONCA, SHALEI MENESES, SHEREE MILLER, KIMBERLY MIYASATO, MARK MOCHIDA, ERIC MOENNICH, SHARA MOLINA, SCOTT MONJI, BERNARDO P. MOREIRA, MARC MORIGUCHI, JASON MOSES, JOHN E. MOSLANDER, DAVID MOWER, CHAD MULLEITNER, GARY L. MUNIZ, SHERRYANN MURPHY, JACK NAGAISHI, JOY NAKAHARA, CORY NAKAYAMA, KYLAN NASCIMENTO, LANE T. NATORI, CHRISTOPHER C. NICHOLS, CHRIS H. NITTA, NATHAN NONAKA, ADAM D. OGDEN, DERRICK OKAMOTO, NED L. ONTAI, ROCHEL ORTIZ, NICOLE OTA, RYAN PAEKUKUI, STACEY PALEA, MARK DOMINIC PALTING, ROBERT PANTOCA, HUMBERTO PARODI, CHRISTIAN PERKINS, CHRISTOPHER

K. PIDOT, JENNIE PIGAO, DANIEL POMERANTZ, KARESE POULOS,
LINDSAY N. PRITCHARD, GERALD H. RABACAL, SUE RAUCH, JOEL
RAYMOND, JASON ROBINSON, ANTHONY ROSSI, GRETCHEN SAILER,
WILLIAM FRANK SAINS, JUSTIN SANTIAGO, KIMBERLY SANTOS,
DEAN R. SCHILD, ALEXANDER C. SCHMALENSEE, KA'OHUOKA'ALA
SETO, BRENT SHIMABUKURO, DARCY SHIMIZU, MELINDA SHIRAKI,
ESTEE (OKAMURA) SHIZURU, ANTHONY SIMPSON, BRENDAN SMITH,
KEA SMITH, NAOMI L. SMITH, KALEOLANI SOUZA, BRYAN
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ZACHARY L. SUNIGA, PAUL TAGARIELLO, EUGENE TAKAHASHI,
JORDON TAKAKURA-PUHA, DON TAKARA, KRYSTLE TAKARA,
LEIGHTON TAKARA, BEN TAKEMURA, SHAUN K. TAKESHITA, CHAS
TAKETA, CHADWICK TAM, DEVIN TAM, JEFFREY H. TAMAYE,
MARITES TAMAYO, ALLAN TAMBIO, KELL Y. TANABE, JR., JARED
TANOUYE, JACK TAUSEND, ISAAC TEJADA, EDWARD K. THOMPSON,
IV, MICHAEL THOMPSON, RACHAEL TOMAS-QUINSAAT, KAY
TOMASA, LANDON TOSHI, ANDREW K. TREJO, DAWNE TSUHA,
MATTHEW TSUNEDA, ALISA A. TUI, K.A. PUANANI TUULIMA, KEVIN K.

TWOMEY, RYAN UMENO, DANIEL UNO, SHELDON UYETAKE, EPELI VAKALALABURE, CHRISTIAN VELASCO, LEE VIERRA, ERIC WATANABE, JULIE WATANUKI, JILLIAN WENDERLICH, BARRY WILDERN, JEFFREY WILKINSON, RODNEY WILLIAMS, RONALD M. WOLF, II, GREGORY WONG, SHARI WONG, RONALD N. YAMADA, EVAN K. YAMAGISHI, SPENCER YAMAMOTO, KAZUO YAMAUCHI, DERRICK T.T. YONEZAWA, STACY YOSHIKAWA, ALAN W.L. YOUNG, JULIE M. YOUNG, EMILY L. ZUCKERNICK and JANE DOES AND JOHN DOES 1-250 (hereinafter referred to collectively as “Plaintiffs”), by and through their attorney, CARL M. VARADY, for their Third Amended Complaint against the City and County of Honolulu, allege

JURISDICTION AND VENUE

1. Jurisdiction is conferred upon this court by 28 U.S.C. § 1331 and 29 U.S.C. §216(b).
2. Venue is proper in this court as all the claims arose in the District of Hawai‘i.
3. The claims are maintained as a collective action under, and pursuant to, the Fair Labor Standards Act (hereinafter "FLSA") 29 U.S.C. §216(b), on behalf of all other similarly situated persons, that is, all persons employed by

Defendant City and County of Honolulu (“Defendant”) as Emergency Management Technicians (“EMTs”) and “Paramedics.”

4. Plaintiffs allege that Defendant has repeatedly, knowingly and wilfully denied Plaintiffs overtime payment required by federal wage-hour law.

PARTIES

5. Lead Plaintiff SONYA ADAMS is, and at all times relevant to this action was, a resident of the City and County of Honolulu, State of Hawai‘i, employed as a Paramedic. Ms. Adams has undertaken to obtain the written consent of the other plaintiffs who join in this collective action. Plaintiff brings her claim under the FLSA as a collective action under 29 U.S.C. § 216(b) on behalf of herself and all others similarly situated, namely: all persons who were employed by Defendant as EMTs and/or Paramedics during the three years preceding the filing of this Complaint, and who were improperly denied overtime payments for work in excess of the 40-hour work week.

6. Based on Defendant's violation of the overtime wage provision of the FLSA, Plaintiff's claim is properly brought and maintained as an "opt-in" collective action pursuant to 29 U.S.C. § 216(b) of the FLSA, because Plaintiff's claims are similar to the claims of the Class members. Plaintiff and the opt-in Class members identified below are similarly situated, as they had

substantially similar job requirements and were subject to a common practice, policy or plan that required them to perform work without overtime compensation.

7. Opt-in Plaintiffs JONATHAN ABUAN, KAMERON ACERET, KANANI ADAMS, JASON AGLIAM, TIANA AHUE, LANCE AIMOTO, DAREN AJIFU, ANDREW AKANA, JEAN-THIERRY ALEMAN, MANAHEL AL-HOZAIL, TERESA ALLEN, ANTHONY ALTOMARE, JENNIFER ALTOMARE, KEN T. ANAMA, LINDSEY ANDREWS, CHANTE MARIE ANGUAY, KENNETH ARAI, JOHN ARAKAWA, KURRY ARAKI, KYLE ARNBERGER, JOSEPH AU, FRANCIS S. AURELLANO, DANIEL BACHMAN, GABRIEL BADUA, CRISTINA BAGLIO, JOHNNY BRANDT BAIZE, EDWIN V. BARAYUGA, PAUL Z. BARRAZA, AMADOR JONAH E. BARRIOS, WILLIAM B. BATALON, KANISHA BELLO, ALEX BERARDO, LINDA BILLINS, MATTHEW BISE, ANDREW H. BOND, MICHAEL E. BOWDERN, JUSTIN BRAID, KEAVY BRENNAN, EDWARD CABALLERO, CYRUS CAMP, FLOYD J. CASTELLANO, ASHLEY CAZIMERO, SHIRLEY ANN CAZINHA, MARLON R. CEZAR, MICHAEL CHAN, ERIC CHIAVETTA, JEFFREY CHING, DIANA P. CHUN, JOLENE CHUN, FRANCES CHUNG, CHRISTOPHER COLOMA, ROMEL CORONEL, EMMA CRISTINA A. CORPUZ, JENNIFER H. COSTA, CHRISTINA ERIN

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HIGA, TROY HIGUCHI, MIKE HIRATA, CATHERINE M. HO, JACOB HO,
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FELIMON JULIANO, JR., WAIPUNALANI H. KAHALEPUNA, LANE
KAHANAOI-NICHOLS, HENRY P. KAHULA, IV, JUDY KAKAZU, RYAN
KALUA, MITCHELL K.C. KAM, JR., BREXSON KAMANO, DENISE
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ARLENE KOH, ERICKSEN KOHATSU, BENNETT KOJIMA, ANDY
KUMAMOTO, LAURA KUMAMOTO, JEFFRY L. KURASHIMA, ALVIN
KURIHARA, JON KUROSU, JON KUSANO, JOHNELL LADERA, MAILE
LAMBETH, MATTHEW LAMKE, ZAKARIAH K. LANI YOUNG, MARIE
LAPLACA, BRETT R. LARONDE, CHAD LAU, KARLY LAU, LAUREN LAU,
BELINDA C.W. LEE, CHRISTOPHER ROBIN LEE, DOMINIQUE LEE,
JONATHAN J. LEE, STEVEN LEE, LEE L. LENCHANKO, HOPE ANN
YOUNGBLOOD LEWIS, WAILUA LIND, TRACIE K.Y. LOCK, JASON P.
LOPEZ, CRISTA LOVE, CHRISTINE LUAN, JUAN M.R. LUJAN, ERIC LUM,
PAMELA LUM, JOHN LYDEN, CHRISTOPHER MANSITO, GEORGE K.
MANUEL, MATEO FRANCISCO MARIANO, JARETT MARTIN, ANGELA

MARUMOTO, ANGELA MASUDA, TED MASUDA, ALLYN MATSUDA, JUSTIN MATSUDA, JUSTIN MATSUDO, KRYSTL MATSUNAGA, KILI MATSUSHIMA, IAN S. MCCAULLEY, SARAH MCDONALD, THERESA MCGREGOR, MOLLY MCGUIRE, SEAN MCGUIRE, MATTHEW MCMULLIN, LUIS M. MELENDEZ, RICHARD K. MENDONCA, SHALEI MENESES, SHEREE MILLER, KIMBERLY MIYASATO, MARK MOCHIDA, ERIC MOENNICH, SHARA MOLINA, SCOTT MONJI, BERNARDO P. MOREIRA, MARC MORIGUCHI, JASON MOSES, JOHN E. MOSLANDER, DAVID MOWER, CHAD MULLEITNER, GARY L. MUNIZ, SHERRYANN MURPHY, JACK NAGAISHI, JOY NAKAHARA, CORY NAKAYAMA, KYLAN NASCIMENTO, LANE T. NATORI, CHRISTOPHER C. NICHOLS, CHRIS H. NITTA, NATHAN NONAKA, ADAM D. OGDEN, DERRICK OKAMOTO, NED L. ONTAI, ROCHEL ORTIZ, NICOLE OTA, RYAN PAEKUKUI, STACEY PALEA, MARK DOMINIC PALTING, ROBERT PANTOCA, HUMBERTO PARODI, CHRISTIAN PERKINS, CHRISTOPHER K. PIDOT, JENNIE PIGAO, DANIEL POMERANTZ, KARESE POULOS, LINDSAY N. PRITCHARD, GERALD H. RABACAL, SUE RAUCH, JOEL RAYMOND, JASON ROBINSON, ANTHONY ROSSI, GRETCHEN SAILER, WILLIAM FRANK SAINS, JUSTIN SANTIAGO, KIMBERLY SANTOS,

DEAN R. SCHILD, ALEXANDER C. SCHMALENSEE, KA'OHUOKA'ALA
SETO, BRENT SHIMABUKURO, DARCY SHIMIZU, MELINDA SHIRAKI,
ESTEE (OKAMURA) SHIZURU, ANTHONY SIMPSON, BRENDAN SMITH,
KEA SMITH, NAOMI L. SMITH, KALEOLANI SOUZA, BRYAN
STAUBITSER, MIKEN STAUBITSER, KEVIN M. STINSON, JAKE STYNER,
SHINNOSUKE SUGA, AKOI SUGIYAMA, CHESTER SUKEKANE,
ZACHARY L. SUNIGA, PAUL TAGARIELLO, EUGENE TAKAHASHI,
JORDON TAKAKURA-PUHA, DON TAKARA, KRYSTLE TAKARA,
LEIGHTON TAKARA, BEN TAKEMURA, SHAUN K. TAKESHITA, CHAS
TAKETA, CHADWICK TAM, DEVIN TAM, JEFFREY H. TAMAYE,
MARITES TAMAYO, ALLAN TAMBIO, KELL Y. TANABE, JR., JARED
TANOUE, JACK TAUSEND, ISAAC TEJADA, EDWARD K. THOMPSON,
IV, MICHAEL THOMPSON, RACHAEL TOMAS-QUINSAAT, KAY
TOMASA, LANDON TOSHI, ANDREW K. TREJO, DAWNE TSUHA,
MATTHEW TSUNEDA, ALISA A. TUI, K.A. PUANANI TUULIMA, KEVIN K.
TWOMEY, RYAN UMENO, DANIEL UNO, SHELDON UYETAKE, EPELI
VAKALALABURE, CHRISTIAN VELASCO, LEE VIERRA, ERIC
WATANABE, JULIE WATANUKI, JILLIAN WENDERLICH, BARRY
WILDERN, JEFFREY WILKINSON, RODNEY WILLIAMS, RONALD M.

WOLF, II, GREGORY WONG, SHARI WONG, RONALD N. YAMADA, EVAN K. YAMAGISHI, SPENCER YAMAMOTO, KAZUO YAMAUCHI, DERRICK T.T. YONEZAWA, STACY YOSHIKAWA, ALAN W.L. YOUNG, JULIE M. YOUNG, EMILY L. ZUCKERNICK and JANE DOES AND JOHN DOES 1-250, are, and at all times relevant to this action were, residents of the City and County of Honolulu, State of Hawai‘i, employed as EMTs and/or Paramedics by the Defendant.

8. Plaintiffs have consented to join this action. See Exhibits 1-317.

9. Defendant City and County of Honolulu is, and at all times pertinent herein was, a body politic organized under the laws of the State of Hawai‘i.

10. Defendant City and County of Honolulu is, and at all times pertinent herein was, a public agency within the meaning of 29 U.S.C. § 203(x).

11. Defendant City and County of Honolulu is, and at all times pertinent herein was, engaged in related activities performed through unified operation or common control for a common business purpose in conjunction with the activities of a public agency. Defendant City and County of Honolulu is, and at all times pertinent herein was, an enterprise within the meaning of 29 U.S.C. §203(r).

12. Defendant City and County of Honolulu is, and at all times pertinent herein was, an enterprise engaged in commerce or the production of goods for commerce within the meaning of 29 U.S.C. §203(s).

FIRST CLAIM FOR RELIEF
(VIOLATION OF FAIR LABOR STANDARDS ACT)

13. Plaintiffs incorporate the allegations in the paragraphs above.

14. Plaintiffs must be paid overtime based on a 40-hour work week. Plaintiffs perform mostly medical services and work related to medical services, do not have "responsibility to engage in fire suppression" as set forth in 29 U.S.C. § 203(y), and are medical personnel, not firefighters. Plaintiffs are not within the 40-hour work week exemption pursuant to 29 U.S.C. § 207(k).

15. Plaintiffs regularly worked substantial overtime hours (*i.e.*, over 40 in a work-week) but Defendant has not paid them the overtime wages they are owed.

16. Defendant City and County of Honolulu has knowingly and willfully violated, and is knowingly and willfully violating, the overtime compensation requirements of 29 U.S.C. §207, by employing Plaintiffs and other similarly situated employees in an enterprise engaged in commerce or in the production of goods for commerce, for work weeks longer than the applicable maximum weekly hours established by 29 U.S.C. § 207, without compensating

them for their employment in excess of the above-described hours at rates not less than one and one-half times their regular rates of pay.

SECOND CLAIM FOR RELIEF
(VIOLATION OF FAIR LABOR STANDARDS ACT)

17. Plaintiffs incorporate the allegations set forth in the paragraphs above.

18. Defendant City and County of Honolulu has knowingly and willfully violated, and is knowingly and willfully violating, the overtime compensation requirements of 29 U.S.C. § 207, and the Rules and Regulations promulgated thereunder, by knowingly and willfully failing to make timely payments for hours worked in excess of the 40-hour work week at rates not less than one and one-half times their regular rates of pay to Plaintiffs and other similarly-situated employees.

THIRD CLAIM FOR RELIEF
(RETALIATION IN VIOLATION OF FAIR LABOR STANDARDS ACT)

19. Plaintiffs incorporate the allegations set forth in the paragraphs above.

20. The FLSA anti-retaliation provision provides that it is unlawful:

To discharge or in any other manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this chapter, or has testified or is about to testify in any such proceeding,

or has served or is about to serve on an industry committee.

29 U.S.C. § 215(a)(3).

21. Defendant engaged in retaliation in response to Plaintiffs' protesting Defendant's violation of the FLSA.

22. A reasonable employee would have found Defendant's action materially adverse, in that it might have dissuaded a reasonable worker from making or supporting a FLSA complaint.

WHEREFORE, Plaintiffs demand:

1. That the Court permit this action to proceed as a collective action under 29 U.S.C. § 216(b);

2. That the Defendant be enjoined from continuing the unlawful practices described herein;

3. That Defendant be required to pay the Plaintiffs and all other similarly situated employees unpaid overtime compensation found due by the court as a result of Defendant's violation of 29 U.S.C. § 207 of the FLSA, plus an additional equal amount as liquidated damages;

4. That Defendant be required to pay to the Plaintiffs and all other similarly situated employees an amount equal to the overtime compensation found to be unlawfully delayed or deferred in violation of 29 U.S.C. § 207 of the FLSA,

plus an additional equal amount as liquidated damages;

5. That Defendant be required to pay to the Plaintiffs and all other similarly situated employees any retirement benefits owed as a result of violations of 29 U.S.C. § 207 of the FLSA, plus an additional equal amount as liquidated damages;

6. That Defendant be required to pay to the Plaintiffs and all other similarly situated employees punitive damages pursuant to 29 U.S.C. § 216(b);

7. That Defendant be required to pay Plaintiffs' reasonable attorney's fees, costs of this action and both prejudgment and post-judgment interest; and

8. That Plaintiffs have such further relief as is just and necessary.

RENEWED JURY TRIAL DEMAND

Plaintiffs hereby demand a trial by jury for all issues so triable.

DATED: Honolulu, Hawai'i, June 5, 2017.

/s/ Carl M. Varady
CARL M. VARADY
Attorney for Sonya Adams and Opt-in
Plaintiffs